

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DIF

TERRANCE JENNINGS,

Plaintiff,

STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE

-against-

05-CV-03383 (ARR)(CLP)

NGOZI AKUA, (individually); MICHAEL A.
ALLOCCA, (individually); and THE CITY OF NEW
YORK,

Defendants.

X

WHEREAS, plaintiff Terrance Jennings commenced this action by filing a complaint in or about July 19, 2005 alleging that certain of his federal and state rights were violated; and

WHEREAS, defendant City of New York has denied any and all liability arising out of plaintiff's allegations;

WHEREAS, plaintiff and defendants City of New York and Michael Allocca now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, no party herein is an infant or incompetent for whom a committee has been appointed; and

WHEREAS, plaintiff Terrance Jennings has authorized counsel to settle this matter as against defendants on the terms enumerated below:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as against defendant, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of TWENTY THOUSAND DOLLARS (\$20,000) in full satisfaction of all claims as against defendant, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants City of New York, Police Officer Michael Allocca, and any present or former employees or agents of the New York City Police Department and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff hereby withdraws and dismisses this action in its entirety and with prejudice as against defendant Ngozi Akua, and releases defendant Akua from any and all liability, claims or rights of action arising from and contained in the complaint in this action or which could have been asserted in this action, including all claims for costs, expenses and attorneys fees.;

4. Plaintiff Terrance Jennings shall execute and deliver to the City attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

5. Other than as set forth in paragraph "2" above, plaintiff and his counsel, or any party in privity with either of them, shall have no recovery for any damages, injury, equitable or other relief, or fees or costs in connection therewith.

6. Nothing contained herein shall be deemed to be an admission by defendant that it has in any manner or way violated plaintiff's rights, or the rights of any other person or

entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

7. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

8. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
8/17, 2006

Mr. Michael Andrews, Esq.
Attorney for Plaintiff
60 East 42nd Street
New York, NY 10165

By: Michael Andrews
MICHAEL ANDREWS, ESQ. (441)

SQ ORDERED:

J U.S.D.J.

MICHAEL A. CARDOZO
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City of New York
Attorney for Defendants
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By: Brooke Birnbaum
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